

Union Calendar No. 580

110TH CONGRESS
2D SESSION

H. R. 5788

[Report No. 110-900]

To amend title 49, United States Code, to establish prohibitions against voice communications using a mobile communications device on commercial airline flights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Mr. DEFazio (for himself, Mr. COSTELLO, Mr. PETRI, Mr. DUNCAN, Mr. OBERSTAR, Mr. LIPINSKI, Mr. FILNER, Mr. COHEN, Mr. BOOZMAN, Mr. CAPUANO, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 28, 2008

Additional sponsors: Ms. MATSUI, Ms. HIRONO, Mrs. MYRICK, Mr. BLUMENAUER, Mr. BAIRD, Mr. UDALL of Colorado, Mr. WAMP, Ms. DEGETTE, Mrs. TAUSCHER, Mr. FARR, Ms. MCCOLLUM of Minnesota, Mr. HINOJOSA, Mr. HILL, and Mr. ROTHMAN

SEPTEMBER 28, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 49, United States Code, to establish prohibitions against voice communications using a mobile com-

munications device on commercial airline flights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Halting Airplane Noise
 5 to Give Us Peace Act of 2008”.

6 **SEC. 2. PROHIBITIONS AGAINST VOICE COMMUNICATIONS**
 7 **USING MOBILE COMMUNICATIONS DEVICES**
 8 **ON SCHEDULED FLIGHTS.**

9 (a) IN GENERAL.—Subchapter I of chapter 417 of
 10 title 49, United States Code, is amended by adding at the
 11 end the following:

12 **“§ 41724. Prohibitions against voice communications**
 13 **using mobile communications devices on**
 14 **scheduled flights**

15 “(a) INTERSTATE AND INTRASTATE AIR TRANSPOR-
 16 TATION.—

17 “(1) IN GENERAL.—An individual may not en-
 18 gage in voice communications using a mobile com-
 19 munications device in an aircraft during a flight in
 20 scheduled passenger interstate air transportation or
 21 scheduled passenger intrastate air transportation.

22 “(2) FLIGHT CREW AND FLIGHT ATTEND-
 23 ANTS.—The prohibition described in paragraph (1)

1 shall not apply to a member of the flight crew or
2 flight attendants on an aircraft.

3 “(b) FOREIGN AIR TRANSPORTATION.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall require all air carriers and foreign air
6 carriers to adopt the prohibition described in sub-
7 section (a) with respect to the operation of an air-
8 craft in scheduled passenger foreign air transpor-
9 tation.

10 “(2) ALTERNATE PROHIBITION.—If a foreign
11 government objects to the application of paragraph
12 (1) on the basis that paragraph (1) provides for an
13 extraterritorial application of the laws of the United
14 States, the Secretary shall waive the application of
15 paragraph (1) to a foreign air carrier licensed by
16 that foreign government at such time as an alter-
17 native prohibition on voice communications using a
18 mobile communications device during flight is nego-
19 tiated by the Secretary with such foreign govern-
20 ment through bilateral negotiations.

21 “(c) DEFINITIONS.—In this section, the following
22 definitions apply:

23 “(1) FLIGHT.—The term ‘flight’ means the pe-
24 riod beginning when an aircraft takes off and ending
25 when an aircraft lands.

1 ~~“(2) VOICE COMMUNICATIONS USING A MOBILE~~
 2 ~~COMMUNICATIONS DEVICE.—~~

3 ~~“(A) INCLUSIONS.—The term ‘voice com-~~
 4 ~~munications using a mobile communications de-~~
 5 ~~vice’ includes voice communications using—~~

6 ~~“(i) a commercial mobile radio service~~
 7 ~~or other wireless communications device;~~

8 ~~“(ii) a broadband wireless device or~~
 9 ~~other wireless device that transmits data~~
 10 ~~packets using the Internet Protocol or~~
 11 ~~comparable technical standard; or~~

12 ~~“(iii) a device having voice override~~
 13 ~~capability.~~

14 ~~“(B) EXCLUSION.—Such term does not in-~~
 15 ~~clude voice communications using a phone in-~~
 16 ~~stalled on an aircraft.~~

17 ~~“(d) SAFETY REGULATIONS.—This section shall not~~
 18 ~~be construed to affect the authority of the Secretary to~~
 19 ~~impose limitations on voice communications using a mobile~~
 20 ~~communications device for safety reasons.~~

21 ~~“(e) REGULATIONS.—The Secretary shall prescribe~~
 22 ~~such regulations as are necessary to carry out this sec-~~
 23 ~~tion.”.~~

24 ~~(b) CLERICAL AMENDMENT.—The analysis for such~~
 25 ~~subchapter is amended by adding at the end the following:~~

“Sec. 41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Halting Airplane Noise*
3 *to Give Us Peace Act of 2008”.*

4 **SEC. 2. PROHIBITIONS AGAINST VOICE COMMUNICATIONS**
5 **USING MOBILE COMMUNICATIONS DEVICES**
6 **ON SCHEDULED FLIGHTS.**

7 (a) *IN GENERAL.*—Subchapter I of chapter 417 of title
8 49, United States Code, is amended by adding at the end
9 *the following:*

10 **“§41724. Prohibitions against voice communications**
11 **using mobile communications devices on**
12 **scheduled flights**

13 “(a) *INTERSTATE AND INTRASTATE AIR TRANSPOR-*
14 *TATION.*—

15 “(1) *IN GENERAL.*—An individual may not en-
16 *gage in voice communications using a mobile commu-*
17 *nications device in an aircraft during a flight in*
18 *scheduled passenger interstate air transportation or*
19 *scheduled passenger intrastate air transportation.*

20 “(2) *EXCEPTIONS.*—The prohibition described in
21 *paragraph (1) shall not apply to—*

22 “(A) *a member of the flight crew or flight*
23 *attendants on an aircraft; or*

1 “(B) a Federal law enforcement officer act-
2 ing in an official capacity.

3 “(b) *FOREIGN AIR TRANSPORTATION*.—

4 “(1) *IN GENERAL*.—The Secretary of Transpor-
5 tation shall require all air carriers and foreign air
6 carriers to adopt the prohibition described in sub-
7 section (a) with respect to the operation of an aircraft
8 in scheduled passenger foreign air transportation.

9 “(2) *ALTERNATE PROHIBITION*.—If a foreign
10 government objects to the application of paragraph
11 (1) on the basis that paragraph (1) provides for an
12 extraterritorial application of the laws of the United
13 States, the Secretary may waive the application of
14 paragraph (1) to a foreign air carrier licensed by
15 that foreign government until such time as an alter-
16 native prohibition on voice communications using a
17 mobile communications device during flight is nego-
18 tiated by the Secretary with such foreign government
19 through bilateral negotiations.

20 “(c) *DEFINITIONS*.—In this section, the following defi-
21 nitions apply:

22 “(1) *FLIGHT*.—The term ‘flight’ means the pe-
23 riod beginning when an aircraft takes off and ending
24 when an aircraft lands.

1 “(2) *VOICE COMMUNICATIONS USING A MOBILE*
2 *COMMUNICATIONS DEVICE.*—

3 “(A) *INCLUSIONS.*—*The term ‘voice commu-*
4 *nications using a mobile communications device’*
5 *includes voice communications using—*

6 “(i) *a commercial mobile radio service*
7 *or other wireless communications device;*

8 “(ii) *a broadband wireless device or*
9 *other wireless device that transmits data*
10 *packets using the Internet Protocol or com-*
11 *parable technical standard; or*

12 “(iii) *a device having voice override*
13 *capability.*

14 “(B) *EXCLUSION.*—*Such term does not in-*
15 *clude voice communications using a phone in-*
16 *stalled on an aircraft.*

17 “(d) *SAFETY REGULATIONS.*—*This section shall not be*
18 *construed to affect the authority of the Secretary to impose*
19 *limitations on voice communications using a mobile com-*
20 *munications device for safety reasons.*

21 “(e) *REGULATIONS.*—*The Secretary shall prescribe*
22 *such regulations as are necessary to carry out this section.”.*

23 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
24 *subchapter is amended by adding at the end the following:*

*“41724. Prohibitions against voice communications using mobile communications
devices on scheduled flights.”.*

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